



Docket No. 034298-130

~~Receipt~~  
3736  
JfW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Cragg et al.  
SERIAL NO.: 10/069,107  
FILING DATE: December 16, 2002  
TITLE: DEVICE AND METHOD FOR DETERMINING A DEPTH OF A  
INCISION  
EXAMINER: Szmal, Brian Scott  
ART UNIT: 3763

**CERTIFICATE OF MAILING**

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Office of Initial Patent Examination's Customer Service Center, Commissioner for Patents, Alexandria, VA 22313-1450, on the date printed below:

Date: April 11, 2005

Name:

Ruth Rodriguez

OFFICE OF INITIAL PATENT EXAMINATIONS  
CUSTOMER SERVICE CENTER  
COMMISSIONER FOR PATENTS  
ALEXANDRIA, VA 22313-1450

**REQUEST TO CORRECT FILING RECEIPT**

It is respectfully submitted that the Filing Receipt for the above-identified patent application has an error.

The attorney docket number is incorrect; the correct attorney docket number is 034298-130 and not 032005-130 as indicated on the Filing Receipt. Please amend the Filing Receipt and appropriate records to reflect the correct spelling in the referenced patent application. A true copy of the change of attorney docket number filed on June 14, 2002 is submitted.

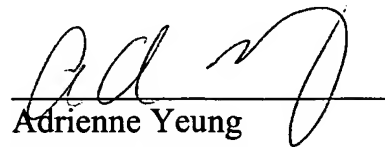
The filing receipt does not identify a listing of Power of Attorney's. Therefore, please amend the appropriate records to reflect the correct listing of attorneys for the above referenced matter. A Revocation of Attorney and Power of Attorney (attached) was originally submitted on June 14, 2002. We submit herewith a document identifying "Patent Practitioners to be made of Record" under 37 C.F.R. §1.32(c)(3) to limit those identified to ten or fewer practitioners. Please amend the Filing Receipt and appropriate records to reflect the correct spelling in the referenced patent application.

The filing receipt does not identify the assignee. Therefore, please amend the appropriate records to reflect the correct listing of assignee as "Sub-Q, Inc." for the above referenced matter. Please amend the Filing Receipt and appropriate records to reflect the correct spelling in the referenced patent application. Additionally, applicant requests an updated filing receipt reflecting the amendments requested.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1698. A duplicate copy of this page is enclosed.

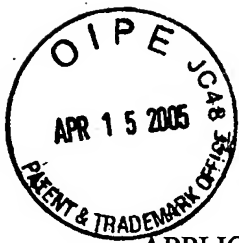
Respectfully submitted,

THELEN REID & PRIEST LLP

  
Adrienne Yeung  
Reg. No. 44,000

Dated: April 12, 2005

THELEN REID & PRIEST LLP  
P.O. Box 640640  
San Jose, CA 95164-0640  
Tel.: (408) 292-5800  
Fax: (408) 287-8040



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Cragg et al  
SERIAL NO.: 10/069,107  
FILING DATE: 12/16/02  
TITLE: DEVICE AND METHOD FOR DETERMINING A DEPTH OF AN  
INCISION  
EXAMINER: Szmal, Brian Scott  
ART UNIT: 3736

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Signature:

Rosa Rodriguez

MAIL STOP: Office of Initial Patent Examination  
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PATENT PRACTITIONERS TO BE MADE OF RECORD

Please recognize the following seven patent practitioners in the attached Declaration and Power of Attorney as being of record in the application or patent to which the power of attorney is directed:

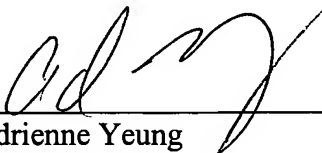
Robert E. Krebs, Reg. No. 25,885  
Steve Robbins, 40,299  
Marc S. Hanish, Reg. No. 42,626  
Thierry K. Lo, Reg. No. 49,097

Adrienne Yeung, Reg. No. 44,000  
William Winters, Reg. No. 42,232  
John P. Schaub, Reg. No. 42,125

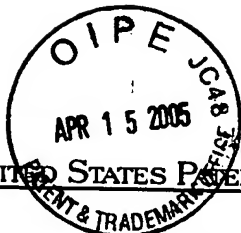
The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1698.

Respectfully submitted,  
THELEN REID & PRIEST LLP

Dated: 4/12, 2005

  
\_\_\_\_\_  
Adrienne Yeung  
Reg. No. 44,000

THELEN REID & PRIEST LLP  
P.O. Box 640640  
San Jose, CA 95164-0640  
Telephone: (408) 292-5800  
Fax: (408) 287-8040

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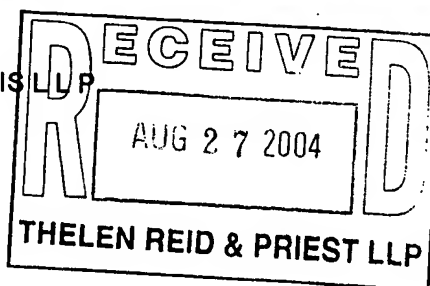
## UNITED STATES PATENT AND TRADEMARK OFFICE

DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/069,107	12/16/2002	3736	728	34298-130	13	43	4

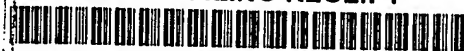
21839

BURNS DOANE SWECKER & MATHIS LLP  
POST OFFICE BOX 1404  
ALEXANDRIA, VA 22313-1404



CONFIRMATION NO. 3240

CORRECTED FILING RECEIPT



OC000000013535838\*

Date Mailed: 08/13/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Andrew H Cragg, San Clemente, CA;  
Rodney Brenneman, San Clemente, CA;  
Mark Ashby, San Clemente, CA;  
Eduardo Chi Sing, San Clemente, CA;

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US00/26367 09/25/2000  
which claims benefit of 60/156,007 09/23/1999

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
No Action Required: \_\_\_\_\_  
Action Required: \_\_\_\_\_

## Foreign Applications

AUSTRALIA 77156/00 09/23/2000  
JAPAN 2001-524492 09/25/2000  
CANADA 2384817 09/25/2000  
EUROPEAN PATENT OFFICE (EPO) 00966874.0 09/25/2000

Mail log \_\_\_\_\_ Date \_\_\_\_\_

CPI \_\_\_\_\_ Date \_\_\_\_\_

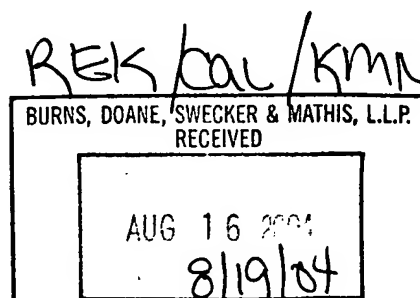
Excel \_\_\_\_\_ Date \_\_\_\_\_

If Required, Foreign Filing License Granted: 08/13/2004

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No



AUG 20 04

**Title**

Device and method for determining a depth of an incision

**Preliminary Class**

600

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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Serial/Patent No.: 10/069,107

Filing/Issue Date: 9/25/00

Applicant: Andrew H. Cragg

Title: DEVICE AND METHOD FOR DETERMINING A DEPTH OF AN INCISION

TRP Docket No.: 034298-130

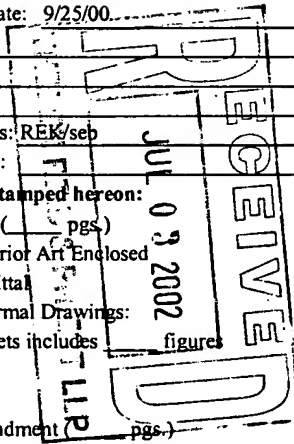
Atty/Secty Initials: REK/seb

Date Mailed: 6-14-02

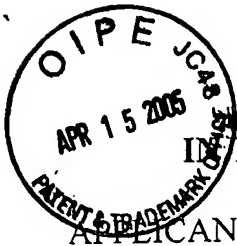
Docket Due Date:

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- |                                                                                                                                                         |                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Amendment/Response (____ pgs.)                                                                                                 | <input type="checkbox"/> IDS & PTO 1449 (____ pgs.)                                              |
| <input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate)                                                                                       | <input type="checkbox"/> ____ Pieces of Prior Art Enclosed                                       |
| <input type="checkbox"/> Application - Utility (____ pgs. with cover & abstract)                                                                        | <input type="checkbox"/> Issue Fee Transmittal                                                   |
| <input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.)                                                                            | <input type="checkbox"/> Submission of Formal Drawings: _____ # of sheets includes _____ figures |
| <input type="checkbox"/> Application - Rule 1.53(b) Division (____ pgs.)                                                                                | <input type="checkbox"/> Notice of Appeal                                                        |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.)                                                                                     | <input checked="" type="checkbox"/> Postcard                                                     |
| <input type="checkbox"/> Application - Rule 1.53(d) CPA (____ pgs.)                                                                                     | <input type="checkbox"/> Preliminary Amendment (____ pgs.)                                       |
| <input type="checkbox"/> Application - PCT (____ pgs.)                                                                                                  | <input type="checkbox"/> Reply Brief (____ pgs.)                                                 |
| <input type="checkbox"/> Application - Provisional (____ pgs.)                                                                                          | <input type="checkbox"/> Req and Cert. Not to Publish - Rule 1.213                               |
| <input type="checkbox"/> Assignment and Cover Sheet                                                                                                     | <input type="checkbox"/> Request for Continued Examination (RCE) (____ pgs.)                     |
| <input type="checkbox"/> Certificate of Correction                                                                                                      | <input type="checkbox"/> Request for Extension of Time ____ Month(s)                             |
| <input type="checkbox"/> Certificate of Mailing                                                                                                         | <input type="checkbox"/> Response to Notice to File Missing Parts                                |
| <input type="checkbox"/> Declaration & POA (____ pgs.)                                                                                                  | <input type="checkbox"/> Copy of PTO Notice to File Missing Parts                                |
| <input type="checkbox"/> Fee Transmittal                                                                                                                | <input checked="" type="checkbox"/> Transmittal Letter (original & copy)                         |
| <input type="checkbox"/> Drawings (informal): _____ # of sheets includes _____ figures                                                                  | <input type="checkbox"/> Express Mail No.:                                                       |
| <input checked="" type="checkbox"/> Other:                                                                                                              | <input type="checkbox"/> Check(s) \$                                                             |
| Change of Attorney Docket Number and Change of Address Notice; Revocation of Attorney and Power of Attorney; copy of existing Decl. & Power of Attorney | <input type="checkbox"/> Deposit Acct. No. 50-1698 \$                                            |
|                                                                                                                                                         | Patent Code:                                                                                     |
|                                                                                                                                                         | Client/Matter # 034298 - 130                                                                     |



DT11 Rec'd PCT/PTO JUN 14 2002



Docket No.: 034298-130

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Andrew H. Cragg  
Rodney Brenneman  
Mark Ashby

SERIAL NO.: 10/069,107

FILING DATE: September 25, 2000

TITLE: Device and Method for Determining a Depth of An Incision

EXAMINER: Unassigned

ART UNIT:

**CERTIFICATE OF MAILING**

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Date: 6/14/02

Name: Sharon E. Byam  
Sharon E. Byam

COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

**CHANGE OF ATTORNEY DOCKET NUMBER  
AND CHANGE OF ADDRESS NOTICE**

Please change the Attorney Docket No. for this patent application from  
032005-130 to 034298-130

Please address all further communications regarding this application to:

Robert E. Krebs  
Thelen Reid & Priest LLP  
P.O. Box 640640  
San Jose, CA 95164-0640  
Telephone (408) 292-5800; Facsimile (408) 287-8040

Dated: 5/28/02

Respectfully submitted,  
THELEN REID & PRIEST LLP

Robert E. Krebs  
Robert E. Krebs  
Reg. No. 25,885





Docket No.: 034298-130

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Andrew H. Cragg  
Rodney Brenneman  
Mark Ashby

SERIAL NO. .: 10/069,107

FILING DATE: September 25, 2000

TITLE: Device and Method for Determining a Depth of An Incision

EXAMINER: Unassigned

ART UNIT:

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**CERTIFICATE OF MAILING**

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Date: 6/14/02

Name: Sharon E. Byam  
Sharon E. Byam

---

COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

**REVOCATION OF ATTORNEY AND POWER OF ATTORNEY**

The undersigned, having authority to act on behalf of Sub-Q, Inc., assignee of all  
right, title, and interest in the above-identified patent application by virtue of the attached  
Power of Attorney, hereby revokes all powers of attorney previously given and hereby  
appoints, Robert E. Krebs, Registration No. 25,885; David B. Ritchie, Registration No.  
31,562; Marc S. Hanish, Registration No. 42,626; John P. Schaub, Registration No.  
42,125; Adrienne Yeung, Registration No. 44,000; Steven J. Robbins, Registration No.  
40,299; Thierry Lo, Registration No. 49,097; W. Samuel Niece, Registration No. 47,824;  
J. Davis Gilmer, Registration No. 44,711 and William E. Winters, Registration No.

42,232, as its attorneys to act on applicant's behalf before the United States Patent and Trademark Office for the above-identified application and to transact all business in the Patent and Trademark Office in connection therewith.

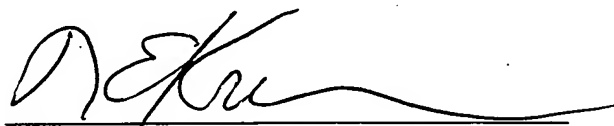
Please mail all correspondence to Robert E. Krebs at the following address:

THELEN REID & PRIEST LLP  
P.O. BOX 640640  
SAN JOSE, CA 95164-0640

and direct all telephone calls to Robert E. Krebs at (408) 292-5800.

Respectfully submitted,  
THELEN REID & PRIEST LLP

Dated: 5/18/02



Robert E. Krebs  
Reg. No. 25,885



<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/069,107	
	Filing Date	12/16/02	
	First Named Inventor	Andrew H. Cragg	
	Art Unit	3736	
	Examiner Name	Szmal, Brian Scott	
Total Number of Pages in This Submission		Attorney Docket Number	034298-130

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement   <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____  <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): REQUEST TO CORRECT FILING RECEIPT, PATENT PRACTITIONERS TO BE MADE OF RECORD, POSTCARD TRUE COPY OF REVOCATION & POWER OF ATTORNEY, TRUE COPY OF CHANGE OF ATTORNEY DOCKET NUMBER, Annotated Copy of filing Receipt.
<b>Remarks</b>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	THELEN REID & PRIEST, LLP		
Signature			
Printed Name	Adrienne Yeung		
Date	4/12/05	Reg. No.	44,000

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Signature			
Typed or printed name	Ruth Rodriguez	Date	4/11/05